

### **REMARKS**

This responds to the Office Action dated April 16, 2008.

Claims 1-4, 8-12, 28-33, 38-45, 47, and 50-51 are amended, claims 53-56 are canceled, and no new claims are added; as a result, claims 1-52 are now pending in this application.

#### **Objection to the Specification**

The written specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. The specification was alleged to fail to provide support for 'computer-readable medium' recited in claim 43. Applicants have amended paragraph [0026] of the written specification to provide support for the claimed 'computer-readable medium'. Support for this amendment can be found in claim 43 as originally filed.

#### **§112 Rejection of the Claims**

Claims 8-12, 38, 41, 42 and 56 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants have reviewed the deficiencies of the cited claims and have amended each claim as appropriate to cure the cited deficiencies. Thus, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

#### **§102 and §103 Rejections of the Claims**

Claims 1-3, 14, 17-19, 22, 23, 25, 27-33, 37-50 and 56 were rejected under 35 U.S.C. § 102(b) for anticipation by Del Sesto et al. (U.S. Patent Application Publication No. 2007/0130581 A1, hereinafter referred to as the Del Sesto reference).

Claims 5-7, 15, 16, 20, 21, 24, 26, 34 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Del Sesto et al. (U.S. Patent Application Publication No. 2007/0130581 A1).

Claims 4, 8-13, 36, 51 and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Del Sesto et al. (U.S. Patent Application Publication No. 2007/0130581 A1) in view of Kalluri et al. (U.S. Patent No. 5,937,331, hereinafter referred to as the Kalluri reference).

The Applicants have amended the claims to better highlight the novel features of the disclosed system. Before directly addressing the Examiner's rejections a brief review of the method and system disclosed in the present application is desirable. The present application discloses a system and method for local meta data insertion into a received signal that already contains meta data. Referring to **Figure 2** of the present application, an incoming signal **110** is decoded by a stripper that strips out meta data **133** and gives that meta data to a processor **134**. The meta data **133** contains a substitution determination parameter that can be evaluated to determine if the meta data can be replaced. The substitution determination parameter comprises an evaluation type and an evaluation value. The processor **134** performs an evaluation of the evaluation type on the evaluation value with respect to a local state to determine if some of the meta data from the received signal should be replaced. Three examples of substitution determination parameters and the related local state are presented in paragraphs 0029 to 0032 of the written specification. The first example uses a comparison evaluation type with a priority level evaluation value. The second example uses a string comparison evaluation type with a region name value. The third example uses a table look-up evaluation type and an identifier value. When the evaluation type performed determines that some of the meta data from the received signal should be replaced, then a subset of meta data is replaced with local meta data.

The primary reference cited by the Examiner, the Del Sesto reference, discloses a similar system that is directed toward preventing encoded meta-data from being corrupted by legacy broadcasting equipment. However, the system disclosed in the Del Sesto reference does not disclose the more sophisticated system for merging in local meta-data disclosed in the present application. Specifically, the system disclosed in the present application includes a two-part substitution determination parameter that specifies both an evaluation type that will be performed and an evaluation value that will be considered in the evaluation type performed. For example, claim one specifies that "said substitution determination parameter specifying an evaluation type and an evaluation value for determining conditions when a subset of original broadcast meta data in said data signal should be replaced;" An evaluator then performs an evaluation of the

specified evaluation type on the evaluation value and a local state. Referring again to claim 1, that claim requires “an evaluator for evaluating the substitution determination parameter, said evaluator performing an evaluation of said evaluation type on said evaluation value with respect to a local state of said data modification device;” All of the independent claims specify this two-part substitution determination parameter.

The system of the Del Sesto reference only discloses a primitive OPT field 308 that only specifies a simple numerical value. With the simple numerical value system disclosed in the Del Sesto reference, only simple substitutions may be performed. Furthermore, the two-part substitution determination parameter system of the claimed system is infinitely expandable with upgrades to the system since new evaluation types may be added as needed.

Since the system of the Del Sesto reference does not teach or suggest the two-part substitution determination parameter with both an evaluation type and an evaluation value as claimed by the all of the independent claims, the Del Sesto reference does not anticipate nor render the presently claimed system obvious. Similarly, the dependent claims include all the limitations of the independent claims such that the dependent claims are likewise allowable.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4041 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16 day of September 2008.

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